IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 30465 of 2006(B)

PETITIONER:

LORENCE JOSEPH,
NAMBUDAKATH HOUSE,MOONILAVU P.O.,KOTTAYAM DISTRICT

BY ADV. SRI.ANIMON A. JOHN

RESPONDENTS:
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1. AJITH GEORGE,
PEMBLUKUNNEL HOUSE, KOTTAKALLU,
MOONILAVU P.O., IDUKKI DISTRICT.

2. THE MOONILAVU GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY.

3. PANCHAYATH COMMITTEE,
MOONILAVU GRAMA PANCHAYATH, REPRESENTED BY ITS PRESIDENT.

4. THE SECRETARY,
MOONILAVU GRAMA PANCHAYATH.

BY ADV. SRI.GEORGE ABRAHAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 30465 of 2006

Dated this 16th day of March, 2007

JUDGMENT

I do not propose to go into the merits of the grounds raised. But it is the obligation of the President of the 3rd respondent Committee to ensure that the directions, which are given by the Tribunal for Local Self Government Institutions in the penultimate paragraph of Ext.P3 order are complied with. Objection of the petitioner is only regarding that part of the direction which says that everybody who resides radius of 100 meters from that property shall be heard. The statutory distance as per Rule 29 of the Minor Mineral Concessions Rules, according to the learned counsel, is only 50 meters and, therefore, the direction of the Tribunal that everybody from within the radius of 100 meters should be heard was not correct. But then as submitted by Sri. George Abraham and the learned counsel for the Panchayat the Panchayat is entitled to take any appropriate decision. But that does not mean that every member of the public residing

within the distance of 100 meters from the property in question are entitled be heard.

2. The grievance of the first respondent is that on account stay which has been issued by this court hearing pursuant to Ext.P3 is being belated. Therefore, I dispose of the writ petition directing the President of respondent Panchayat to ensure that hearing is conducted, as directed in Ext.P3, without insisting on hearing everybody who resides beyond distance of 50 meters from the property. Hearing as directed above shall be conducted at the earliest and at any rate within three weeks of receiving a copy of this judgment. Nothing stated in the judgment will stand in the way of the respondents taking appropriate decision on the consideration of public interest. The first respondent will file his written submissions, if any, in the matter before the Committee of the Panchayat before 25.3.2007 and he will certainly be heard by the committee before decision is taken.

PIUS C.KURIAKOSE
Judge

dpk